IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.25115 of 1997

Dated: January 24, 2007

Between:

Sanaga Bangaru Reddy, S/o. Subba Reddy,
Age: 57 years, R/o. Yerragondlapalem,
Prakasam District, and another.

... Petitioner

And

The Executive Engineer, R&B Dept.,
Markapur, Prakasam District, and another.

... Respondents

Order:

By this Writ Petition, petitioners seeks Mandamus to declare the action of the respondents in contemplating to demolish their houses covered by Survey Nos.54/1 B2, 55/3, 55/1 and 54/1 respectively, situated at Yerragondlapalem, Prakasam District, as arbitrary and illegal.

2. In the affidavit filed in support of the Writ Petition, it

is stated that first petitioner purchased an extent of Ac.0.02 ½ cents in Survey No.54/1 of Yerragondlapalem village, under a registered sale deed dated 01-03-1979 from one late Annamraju Seetaramaiah and subsequently purchased an extent of Ac.0.03 ¼ cents under an exchange agreement dated 31-07-1980 and constructed a building therein. Similarly, second petitioner also purchased an extent of Ac.0.03 ½ cents on 14-09-1977 under a registered sale deed from the said Seetaramaiah and constructed a house therein. The case of the petitioners is that earlier proceedings were initiated by the erstwhile Tahsildar of Yerragondlapalem by issuing notice under Section 7 of the Land Encroachment Act, on the ground that they have encroached P.W. road Poramboku. When they appealed to the Revenue Divisional Officer, Markapur, personal inspection was made and the Mandal Revenue Officer was directed to treat the encroachment as unobjectionable. The grievance of the petitioners is that in spite of the same, the first respondent is taking steps to demolish a part of their houses without issuing any notice or opportunity, for the purpose of road widening.

3. Though the Writ Petition is of the year 1997, no counter affidavit has been filed. This court, while admitting the Writ Petition, by order dated 29-09-1997, in WPMP. No.29260 of 1997 passed interim orders directing the respondents not to demolish portion of the houses of petitioner. The same has been continuing all along.

4. As it is the case of the petitioners that the notice

issued to them under Section 7 of the Land Encroachment Act, has been set aside by the Revenue Divisional Officer, Markapur, and that no notice was issued by the first respondent before taking steps for demolishing their houses,

I dispose of the Writ Petition directing the respondents not to demolish the houses or portions thereof, without following due process of law. If any portion of the houses of petitioners is required for public purpose, respondents shall issue prior notice and opportunity to them and proceed in accordance with law. No costs.

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JUSTICE R. SUBHASH REDDY.

January 24, 2007
MRR